IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 3292 OF 2000

Mrs. Maharookh Kaikaus Mistry & Anr. .. Plaintifs

Vs.

Smt. Shantidevi Teckchand Sharma .. Defendant

Mr. S.J.Irani for Plaintiffs.

None for the Defendants.

CORAM: S.K.SHAH,J.

DATE : 16th February,2006.

P.C.

1. None for the Defendants.

2. The learned Counsel for the Plaintifs submits that pursuant to the order of the Court, the Commissioner had taken accounts and submitted the report on 2.8.2005. The parties were directed to file objections, if any, to the Commissioner’s Report. The learned Counsel for the Plaintifs submits that they have no objection to the Commissioner’s Reportr and claims that decree be passed. The defendants have not filed objections to the Commissioner’s Report. Under the circumstances, the Commissioner’s Report is hereby accepted.

3. Pursuant to the judgment passed by this Court on 28.7.2003, decree for posession was passed and the Commissioner was appointed for taking accounts. The learned Counsel for the Plaintiffs submits that pursuan to the decree for possession, they have already received the possession.

4. Under the circumstances, the Commissioner's Report is accepted. As per the Commissioner's Report, mesne prfits payable by the defendants to the Plaintiffs for the period from 1.8.2000 to 18.9.2003 are Rs.7,60,000/- at the rate of Rs.20,000/- per month.

5. The suit is, therefore, decreed for the sum of Rs.7,60,000/- by way of mesne profits. The Defendants shall pay to the Plaintifs this amount of Rs.7,60,000/-. Final Decree be passed accordingly.

(S.K.SHAH,J.)